

**Enrolled Minutes of the Fifty-Eighth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, May 17, 2010**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular but rescheduled meeting on Monday, May 17, 2010 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper and Mark Herak were present. Councilor Brian Novak was absent owing to vacation. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the use of fireworks at a recent wedding reception that was taking place at the Social Center at Wicker Park. There were several complaints from residents.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, May 17, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Dan Vassar leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Dan Vassar, Mark A. Herak and Konnie Kuiper were present. Councilor Brian Novak was absent owing to vacation. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Jared Tauber, Attorney with Tauber, Westland and Bennett; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD; and Cecile Petro, Redevelopment Director were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 03 May 2010 were approved by general consent.

Special Orders:

1. **Public Hearing on a Petition to Vacate a Public Way or Easement.** Petition filed by Albert N. Kosior, 8933 Grace Street, Highland, requesting the vacation of public way, a platted easement located at the back of his property listed at the same address, pursuant to IC 36-7-3-12. Petition filed 27 April 2010. Hearing must occur by 27 May 2010.

- (a) Review of Proofs of Publication: TIMES 6 May 2010. (Mailing to two persons listed in petition. Certificates of mailing to be provided) Mr. Jared Tauber as acting Town Attorney, indicated that the proofs of publication and the certificates of mailing were in compliance with IC 5-3-1 and IC 36-7-3-12.

- (b) **Public Hearing** on the Petition as filed. The Town Council President called the hearing to order.

1. Albert Kosior, 8933 Grace Street, Highland, petitioner, spoke in support of his petition. Mr. Kosior indicated that he filed in order to allow adequate property area for his leech field needed to support his replacement septic tank. He was advised by his engineer that he would need to extend to an area that is presently reserved as easement.

There were no further comments from the public. The Town Council President recognized the Public Works Director who serves as the superintendent of the sanitary district. The Public Works Director reported the sense of the Board of Sanitary District Commissioners regarding the vacation, in which the Board expressed reservations for the granting the vacation. The public hearing was closed.

- (c) Consideration of proposed **Ordinance No. 1460**: An Ordinance to vacate a Public Way or Easement. Councilor Vassar introduced and moved the consideration of Ordinance No. 1460 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary. there were four affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Vassar moved the passage and adoption of Ordinance No. 1460 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary. there were three affirmatives and one negative. With Councilors Zemen, Vassar and Kuiper voting in the affirmative and Councilor Herak voting in the negative, the motion to adopt on the same meeting of introduction did not pass. The ordinance was not adopted at the same meeting of introduction. The vote did not dispose of the ordinance since at any other meeting, there was a vote in favor sufficient for adoption, pursuant to IC 36-5-2-9.6. The Town Council President noted that the Town Council will discuss the matter further and the ordinance would be set for reconsideration at its next plenary business meeting, June 7, 2010.

2. **Advisory Board of Zoning Appeals Docket**: Petition for a Use Variance for property located at **8630 Kennedy Avenue, Highland**, to allow private club or lodge use, in property currently zoned as Downtown Sub-district District. Petitioner: Garfield Lodge #569, 8630 Kennedy Avenue, Highland. The Advisory Board of Zoning Appeals by a vote of four in favor and zero opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 24 March 2010. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 28 April 2010. (90 days ends 22 June 2010.).
*Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the favorable recommendation** and grant the requested use variance or it may **reject (over rule) the recommendation** and deny the use variance.*

Councilor Kuiper moved to accept the favorable recommendation of the Advisory Board of Zoning Appeals and grant the variant as requested by the petitioner. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The use variance was granted.

3. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **9613 Kleinman Avenue, Highland**, to allow single family residential use in the front portion of property and U-lock storage in the rear, in property currently zoned as B-1 Business District. Petitioners: **Kenneth Scheeringa**, 675 Wittchen drive, Schererville, Indiana; and **George Scheeringa**, 9349 Kleinman Road, Highland, Indiana. The Advisory Board of Zoning Appeals by a vote of four in favor and zero opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 24 March 2010. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 28 April 2010. (90 days ends 22 June 2010.).

Pursuant to IC 36-7-4-918.6, the Town Council may either accept the favorable recommendation and grant the requested use variance or it may reject (over rule) the favorable recommendation and deny the use variance.

Councilor Zemen moved to accept the favorable recommendation of the Advisory Board of Zoning Appeals and grant the variant as requested by the petitioner. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The use variance was granted.

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for April 2010**

| Permit Type | Number. | Residential | Commercial | Est. Cost | Fees |
|-------------------------------------|------------|-------------|------------|-----------------------|--------------------|
| Commercial Buildings: | 0 | 0 | 0 | \$0.00 | \$0.00 |
| Commercial Additions or Remodeling: | 9 | 0 | 9 | \$1,498,447.00 | \$19,020.00 |
| Signs: | 3 | 0 | 3 | \$4,300.00 | \$604.00 |
| Single Family: | 1 | 1 | 0 | \$156,000.00 | \$1,948.00 |
| Duplex/Condo: | 0 | 0 | 0 | \$0.00 | \$0.00 |
| Residential Additions: | 1 | 1 | | \$46,875.00 | \$712.00 |
| Residential Remodeling: | 89 | 89 | 0 | \$430,996.00 | \$8,852.00 |
| Garages: | 1 | 1 | 0 | \$10,000.00 | \$305.50 |
| Sheds: | 1 | 1 | 0 | \$920.00 | \$73.00 |
| Decks & Porches: | 8 | 8 | 0 | \$22,599.00 | \$1,435.50 |
| Fences | 20 | 20 | 0 | \$36,073.00 | \$1,843.00 |
| Swimming pools: | 4 | 4 | 0 | | \$365.00 |
| Drain Tile /Waterproofing | 1 | 1 | 0 | \$4,200.00 | \$117.00 |
| Misc. (raze a garage): | 2 | 2 | 0 | \$0.00 | \$128.00 |
| Total: | 140 | 128 | 12 | \$2,210,410.00 | \$35,403.50 |
| Electrical Permits | 18 | 13 | 5 | | \$1,882.00 |
| Mechanical Permits | 7 | 5 | 2 | | \$630.75 |
| Plumbing Permits | 10 | 8 | 2 | | \$989.65 |
| Water Meters | 2 | 1 | 1 | | \$460.00 |
| Water Taps | 0 | 0 | 0 | | \$0.00 |
| Sewer/Storm Taps | 1 | 1 | 0 | | \$300.00 |
| Total: | 13 | 10 | 3 | | \$1,749.65 |

March Code Enforcement: 181 warnings issued and 14 citations were issued.

There were 65 building inspections, 12 plumbing inspections, and 32 electrical inspections. There were three (3) electrical exams given.

• **Fire Department Report for April 2010**

| | Month | Y.T.D. | Previous Y.T.D. | Task Hours |
|-----------------|-------|--------|-----------------|------------|
| General Alarms | 9 | 41 | 34 | |
| Car Fires | 1 | 6 | 6 | |
| Still Alarms | 5 | 16 | 17 | |
| Ambulance calls | 0 | 0 | 0 | |

• **Workplace Safety Report for April 2010**

There were three incidents reported in April. The following incident summary was filed:

| Department | Injuries this Month | Year to Date 2010 | Total in 2009 | Restricted Days 2010 | Lost Workdays This Year | Restricted Days Last Year (2009) | Lost Workdays Last Year (2009) |
|---------------|---------------------|-------------------|---------------|----------------------|-------------------------|----------------------------------|--------------------------------|
| Parks | 0 | 0 | 2 | 0 | 0 | 0 | 0 |
| Fire | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Police | 2 | 4 | 9 | 0 | 23 | 0 | 0 |
| Street | 0 | 0 | 4 | 0 | 0 | 0 | 0 |
| Water & Sewer | 0 | 0 | 4 | 0 | 0 | 18 | 82 |
| Maint. | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 1 | 1 | 0 | 0 | 0 | 0 | 0 |
| TOTALS | 3 | 5 | 19 | 0 | 23 | 18 | 82 |

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

1. Executive Appointment to the **Economic Development Commission**. Term expired February 1, 2010. The Town Council President announced his appointment (re-appointment) of **Mr. Matt Reardon**, 1336 Fran-Lin Parkway, Munster, Indiana , 46321, for a term to expire on February 1, 2014 and until a successor is appointed and qualified.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1461:** An Ordinance revising and Amending the Highland Municipal Code, CHAPTER 170, PARTICULARLY REGARDING CERTAIN EXCEPTIONS FROM PARTICIPATION AND CHANGING THE APPROVING OFFICER FOR CERTAIN DISCOUNTS ASSOCIATED WITH THE SOLID WASTE MANAGEMENT PROGRAM of the Town, all pursuant to IC 36-1-5 and IC 36-9-30 et seq.

Councilor Vassar introduced and moved the consideration of Ordinance No. 1461 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary. there were four affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Vassar moved the passage and adoption of Ordinance No. 1461 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds

vote being necessary. there were four affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of introduction.

ORDINANCE No. 1461
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE REVISING AND AMENDING THE HIGHLAND MUNICIPAL CODE, CHAPTER 170, PARTICULARLY REGARDING CERTAIN EXCEPTIONS FROM PARTICIPATION AND CHANGING THE APPROVING OFFICER FOR CERTAIN DISCOUNTS ASSOCIATED WITH THE SOLID WASTE MANAGEMENT PROGRAM of the TOWN, ALL PURSUANT TO IC 36-1-5 AND IC 36-9-30 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances

WHEREAS, The legislative body of the this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The Town Council, is persuaded that it is necessary to make certain technical corrections to the current code of ordinances in order to further perfect the operation of the municipally and to advance the public interest; and

WHEREAS, The Indiana Code further provides under IC 36-1-4 for the general powers of units to provide for the operation of a government;

WHEREAS, The Indiana Code still further provides under IC 36-1-3 certain powers granted expressly by statute and powers deemed necessary or desirable in the conduct of municipal affairs;

WHEREAS, The Indiana Code still further provides under IC 36-9-2-16 and IC 36-9-30 that a unit may regulate the furnishing of the service of collecting, processing, and disposing of waste substances and domestic or sanitary sewage including the power to fix the price to be charged for that service;

WHEREAS, The Town Council determines that certain amendments to certain provisions of the Highland Code of Ordinances to be necessary or desirable in the conduct of municipal affairs and consistent with the laws of the state governing the operation of a government;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section § 170.06 of the Highland Municipal Code be hereby deleted and repealed in its entirety and be hereby amended by inserting the following replacement section, to be renamed Section § 170.06, which shall read as follows:

§ 170.06 COLLECTION GENERALLY.

(A) The collection and disposal of refuse within the corporate limits of the town shall be administered, operated, conducted, and/or maintained by and through the Town Council under the terms and the provisions of this chapter. The town shall have the right, exercisable by its Town Council, to appoint or contract with one or more persons, exclusively, or concurrently with the activities of the town, to collect and/or dispose of refuse, garbage or rubbish.

(B) Any person or persons owning or leasing any residence or establishment which fails to comply with the provisions of this chapter shall promptly remove and dispose of the garbage and rubbish accumulated by such person or persons at their own expense and in a sanitary manner.

(C) Except as otherwise provided in subdivision (D), commercial units which include a building or part thereof or establishment for the conduct of a single business, apartment houses of more than two units, and except those three and four dwelling unit apartment houses that have separate water metered service and individual billing to each dwelling unit, motels, hotels, schools, churches, civic and athletic centers, and all other establishments which produce refuse, but are not dwellings, shall be responsible for the collection and disposal of refuse, garbage and rubbish in conjunction therewith.

(D) **Option to Participate.** Commercial units, which include a building or part thereof or establishment for the conduct of a single business and also have a single dwelling unit, which would not otherwise participate in the municipal solid waste management program, may apply to the Public Works Director for a "waiver and option to participate letter," which would allow participation in the municipal solid waste program.

(1) In considering any application to participate, the Public Works Director shall consider the following matters related to the delivery of service:

- (a) Whether or not the applicant's participation materially affects the effectiveness of any or all of the services as outlined in § 170.08.
- (b) Whether or not the applicant's participation materially affects the efficiency of any or all of the services as outlined in § 170.08.
- (c) Whether or not the applicant's participation is equitable and the participation is in the public interest.

(2) If the Public Works Director determines and finds favorably for an applicant, a letter of waiver will be issued to the particular participant, a copy of which will be filed with the Town Council **and Office of the Clerk-Treasurer** and which will remain in effect for the particular participant only.

(3) If an option to participate is granted, the participant shall be subject to the relevant provisions of the Chapter 170, including the requirement to pay the monthly solid waste management fees as set forth in Section §170.08 ~~(F)~~.

(4) The Public Works Director shall be authorized to make reasonable rules or conditions related to the "waiver and option to participate letter" with which the participant shall comply.

(5) Failure to comply with the rules or conditions of the waiver may result in revocation of the waiver and prevention from participation in the Solid Waste Management Program of the Town;

(E) **Limited Option for Exemption. Commercial units, which include a building or part thereof or establishment committed to the conduct of educational, literary, scientific, religious, or charitable purposes and also have a single dwelling unit, which would otherwise participate in the municipal solid waste management program, may apply to the Public Works Director for a "exemption letter," which would allow extrication from the single dwelling unit in the municipal solid waste program.**

(1) In considering any application to participate, the Public Works Director shall consider all the matters set forth in Section 170.06 (D) (1) and whether or not the single family dwelling will be used for educational, literary, scientific, religious, or charitable purposes and not serve any further residential purpose.

(2) If the Public Works Director determines and finds favorably for an applicant, *a letter of exemption* will be issued to the particular participant, a copy of which will be filed with the Office of the Clerk-Treasurer and the Town Council and which will remain in effect for the particular participant only.

(3) The Public Works Director shall be authorized to make reasonable rules or conditions related to the "waiver and exemption letter" with which the participant shall comply.

(4) Failure to comply with the rules or conditions of the waiver may result in revocation of the exemption and resumption of billing for and participation in the Solid Waste Management Program of the Town;

(E) (F) No person or other entity shall collect, remove, pilfer, cremate, dispose or otherwise deal in refuse within the corporate limits of the town unless expressly authorized to do so by the Town Council.

~~(F)~~ (G) It shall be unlawful to conduct or condone any unauthorized collections of recyclable materials, which are set out by town residents as part of the designated recycling program. Such unauthorized collections may reduce volumes of materials collected as part of a designated programs and thereby threaten the economic liability of the authorized program.

(G) (H) The collection and disposal of refuse and recyclable shall be provided to each single and two family dwelling unit and to each three and four family dwelling unit, provided that each dwelling unit with a three and four family dwelling has separate water meter service with individual billing to each dwelling unit. Collection and disposal is subject to the following exceptions:

- (1) Furniture and appliances shall be limited to one item per week.
- (2) Appliances containing refrigerant gases are excluded unless properly evacuated of refrigerant gases.
- (3) Carpeting shall be cut and rolled into pieces that are capable of being handled by one person.
- (4) Construction and demolition debris is excluded.
- (5) Hazardous waste or medical waste is excluded.
- (6) Concrete is excluded.
- (7) Tires are excluded.

Section 2. That subdivision (B) of Section § 170.08 of the Highland Municipal Code be hereby deleted and repealed in its entirety and be hereby amended by inserting the following replacement subdivision, to be renamed Subdivision (B) of Section § 170.08, which shall read as follows:

§ 170.08 SOLID WASTE MANAGEMENT FEES and SERVICES.

(B) The solid waste management fees, which shall be payable monthly and charged to qualified residential dwelling units principally occupied by persons who are 65 years or age or older, and upon approved applications with the ~~billing authority~~ **Public Works Director**, shall be discounted as set forth in the schedule of fees in this section. PRINCIPALLY OCCUPIED shall mean that at least 50 % of the regular occupants in the dwelling are persons 65 years of age or older, or at least one owner of a jointly owned dwelling is 65 years of age or older.

Section 3 This Ordinance shall become and be effective from and after its passage and adoption and publication in the manner prescribed by law.

Introduced and Filed on the 17th day of May 2010. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-9-30-21.

DULY ORDAINED and ADOPTED this 17th Day of May 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2010-21:** A Resolution Receiving a Petition and Determining Need for a Facility. *Councilor Vassar moved the passage and adoption of Resolution No. 2010-21. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.*

**TOWN OF HIGHLAND
RESOLUTION NO. 2010-21**

**A RESOLUTION RECEIVING PETITION AND
DETERMINING NEED FOR FACILITY**

WHEREAS, a petition in six (6) counterparts, signed by eighty-six (86) taxpayers of the Town of Highland (the "Town") has been filed with the Board of Parks and Recreation and this Town Council requesting the renovation and expansion by and leasing from the Lincoln Center Building Corp. of the Lincoln Center; and

WHEREAS, such petition has been carefully considered and investigations have been conducted by this Council, both before and after the filing of said petition; and

WHEREAS, this Council now finds that a need exists for the renovation and expansion of the Lincoln Center, and that the Town cannot provide the necessary funds to pay the cost of renovation and expansion of the Lincoln Center required to meet such need; and

WHEREAS, it is deemed desirable to proceed with the necessary negotiations and all other steps looking toward the renovation and expansion of the Lincoln Center by the Lincoln Center Building Corp. and the lease of the Lincoln Center to the Board of Parks and Recreation on behalf of the Town, as lessee; now therefore,

BE IT RESOLVED, that the petition of taxpayers heretofore filed with this Council is hereby approved.

BE IT FURTHER RESOLVED, that a need exists for the renovation and expansion of the Lincoln Center, and that the Lincoln Center cannot be renovated and expanded from any funds available to the Town, and that this Council proceed to take such steps as may be necessary to secure the renovation, expansion and leasing of the Lincoln Center as provided by the Indiana Code Title 36 Article 1, Chapter 10.

DULY RESOLVED AND ADOPTED this 17th day of May, 2010, by the Town Council for the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

By: **MARK A. HERAK, President**

APPROVED:

MICHAEL W. GRIFFIN, IAMC/MMC/CPFA
Clerk-Treasurer

3. **Resolution No. 2010-22:** A Resolution Approving the Establishment of a Lincoln Center Building Corporation. *Councilor Zemen moved the passage and adoption of Resolution No. 2010-22. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.*

**TOWN OF HIGHLAND
RESOLUTION NO. 2010-22
RESOLUTION APPROVING BUILDING CORPORATION**

WHEREAS, Lincoln Center Building Corp. has been formed as a not-for-profit corporation to assist in the financing of park facilities;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Highland as follows:

SECTION 1. That it is hereby determined to be proper and in the public interest of the citizens of this town to approve the incorporation of the corporation known and designated as Lincoln Center Building Corp. for the purpose of financing, renovating, expanding and equipping the Lincoln Center and leasing same to this town acting through the Board of Parks and Recreation.

SECTION 2. That the Articles of Incorporation and By-Laws of Lincoln Center Building Corp., presented to and now before this Council, are hereby approved.

SECTION 3. That providing for the financing, renovation, expansion and equipping of the Lincoln Center by the Lincoln Center Building Corp. and the leasing of same to this town is in the public interest of the citizens of this town and it is a proper public purpose for which this Council agrees to cooperate with Lincoln Center Building Corp. and to assist it in fulfilling the requirements of all agencies of the federal, state and local governments.

SECTION 4. That the issuance, sale and delivery by Lincoln Center Building Corp. of bonds designated Lincoln Center Building Corp. First Mortgage Bonds, Series 2010 (or some variation thereon) in the aggregate principal amount of approximately \$10,000,000 is hereby approved.

SECTION 5. That, upon the redemption or retirement of the bonds to be issued by Lincoln Center Building Corp., the Town of Highland and/or the Park District will accept from Lincoln Center Building Corp. title to the Lincoln Center, free and clear of any and all liens and encumbrances thereon.

SECTION 6. That this Council hereby approves the following to act as initial Directors of Lincoln Center Building Corp.: Carolyn L. Turich, Charles A. Stapke and Franklin D. Jones.

SECTION 7. That Lincoln Center Building Corp. may issue, sell and deliver its Bonds, pursuant to the applicable laws of the State of Indiana, may encumber any real property or equipment acquired by it for the purpose of financing the renovation, expansion and equipping of the Lincoln Center and may enter into contracts for the sale of the Bonds and the renovation, expansion and acquisition of the Lincoln Center.

SECTION 8. That Town of Highland reasonably expects that tax exempt obligations issued by or on behalf of the Town of Highland, including the First Mortgage Bonds, Series 2010 of Lincoln Center Building Corp., as well as bonds and temporary loan warrants of the Town of Highland, will not exceed \$30,000,000 in calendar year 2010. The First Mortgage Bonds, Series 2010 in the amount of \$10,000,000 are designated as qualified tax-exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986.

SECTION 9. That the Town Council hereby authorizes the President of the Town Council and Clerk-Treasurer to execute the Continuing Disclosure Undertaking, as approved by the Town Attorney.

DULY RESOLVED AND ADOPTED this 17th day of May 2010, by the Town Council for the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

By **MARK A. HERAK, President**

APPROVED:

By: **MICHAEL W. GRIFFIN, IAMC/MMC/CPFA**
Clerk-Treasurer

4. **Works Board Order No. 2010-15:** An Order Authorizing and Approving a First change order to the construction Contract SR-31459 related to the Cline Avenue Reconstruction Project, Northern Terminus at Ridge Road and southern Terminus at 45th Avenue, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18. *Councilor Vassar moved the passage and adoption of Works Board Order No. 2010-15. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.*

THE TOWN of HIGHLAND
ORDER of the WORKS BOARD NO. 2010-15

AN ORDER AUTHORIZING and APPROVING A FIRST CHANGE ORDER to the CONSTRUCTION CONTRACT SR-31459 RELATED to the CLINE AVENUE RECONSTRUCTION PROJECT, NORTHERN TERMINUS AT RIDGE ROAD AND SOUTHERN TERMINUS AT 45TH AVENUE, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Cline Avenue Reconstruction Project**;

Whereas, In the course of the construction, reconstruction, or repair of the Cline Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

Whereas, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract, particularly in support of costs associated with items outlined and adjustment for road closure and detouring of traffic owing to finding that culvert by Cline Avenue Bridge renders it unsafe to remain open until its replacement, which has a net effect of increasing the contract cost; and

Whereas, There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described;

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1 That the First Addendum to the Construction Contract **SR-31459** for the **Cline Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

Section 2. That this first addendum is hereby ordered to be known as **Change Order No. 1**, issued to add net increases to the original agreement in the net increased amount of eleven thousand, six hundred, seventy-one dollars and seventy-seven cents (\$11,671.77), bringing the total value of the entire agreement with any and all change orders approved to date to four million, one hundred fifty-seven thousand, five hundred fifty-one dollars and eight cents (\$4,157,451.08) of which twenty percent (20%) is borne locally and eighty-percent (80%) is borne by the Indiana Department of Transportation);

Section 3. That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being four million, one hundred forty-five thousand, seven hundred seventy-nine dollars and thirty-one cents (\$4,145,779.31) which may not exceed four million, nine hundred seventy-four thousand, nine hundred thirty-five dollars and seventeen cents (\$4,974,935.17) all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered.

DULY, PASSED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 17th day of May 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2010-16:** An Order Approving and Authorizing the Metropolitan Police Chief to Enter into a Lease-Purchase Agreement with First Midwest Bank for Five (5) 2010 Chevrolet Impala Police Cars with Special Police Equipment Packages, pursuant to IC 5-22 and §31.18(C) of the Municipal Code. *Councilor Kuiper moved the passage and adoption of Works Board Order No. 2010-16. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.*

**Town of Highland
Board of Works
Order of the Works Board 2010-16**

AN ORDER APPROVING AND AUTHORIZING THE METROPOLITAN POLICE CHIEF TO ENTER INTO A LEASE-PURCHASE AGREEMENT WITH FIRST MIDWEST BANK FOR FIVE (5) 2010 CHEVROLET IMPALA POLICE CARS WITH SPECIAL POLICE EQUIPMENT PACKAGES, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined that since the unit price will likely be around \$25,000.00 rendering a contract for purchase in excess of \$75,000.00, formal bids were sought for a purchase of five (5) Impala Police Cars, each equipped with a special police accessory package will be made in open market, pursuant to Section § 31.20 (H) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief reports that bids were solicited, opened and read aloud on May 6, 2010 at the Highland Municipal Building, pursuant to Section § 31.20 (H) of the Highland Municipal Code, with the following responses for both the purchase of police cars and lease financing as specified:

| Bidder: | Unit Cost | Total: |
|--|----------------------|------------------------|
| Christenson Chevrolet | \$20,998 each | \$104,990.00 |
| No other bids on vehicle | | |
| Bidder: | Interest Rate | |
| First Midwest Bank (Highland) Highland, Indiana | 4.15% | up to \$200,000 |
| Municipal Leasing Consultants Grand Island, Vermont | 4.57% | required \$11,000 down |

Whereas, The Metropolitan Police Chief has identified Christenson Chevrolet, to be a desirable source vendor for the purchase of five (5) Impala Police Cars, each equipped with a special police accessory package at a unit price of \$20,998.00 each, pursuant to Section § 31.20 (H) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief has determined to acquire the vehicles by Lease-Purchase, with **First Midwest**, at a fixed rate of 4.15%, with **First Midwest** acquiring the vehicles from **Christenson Chevrolet**; and

Whereas, The Metropolitan Police Commission and the Metropolitan Police Chief have represented seeking additional bids or quotes would not advance the process and may add undue cost to acquisition in time and money; and

Whereas, The duration of the proposed lease exceeds one (1) year and, pursuant to §31.18(C) of the Highland Municipal Code, requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The lease-purchase payments will be supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund**; and

Whereas, The Town Council now desires to approve and authorize the Metropolitan Police Chief to enter into a lease purchase agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Metropolitan Police Chief is hereby directed and authorized to lease to purchase five (5) 2010 Chevrolet Impala Police Equipped Cars, from First Midwest Bank in the annual lease-rental amount set forth in the lease agreement for a term of three (3) years, for the total amount of One hundred nine thousand, nine hundred ninety dollars and no cents plus interest (\$109,990.00 plus interest), with First Midwest acquiring the cars from Christenson Chevrolet at the market price of \$20,998.00 each;

Section 2. That the terms of the Lease with **First Midwest** are reasonable and fair;

Section 3. That the Metropolitan Police Chief is authorized and directed to execute the lease purchase agreement and any additional documents in order to implement this lease purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be it So Ordered.

DULY, PASSED, ADOPTED and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 17th day of May 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

6. **Works Board Order No. 2010-17:** An Order of the Works Board Approving a modification of \$5,000 for Pyrotechnics Services for the Independence Day Festival for 2010. *Councilor Zemen moved the passage and adoption of Works Board Order No. 2010-17. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.*

**Town of Highland
Board of Works
Order of the Works Board 2010-17**

An Order of the Works Board Accepting the Proposal of Mad Bomber Fire Works Productions for Professional Pyrotechnics and Fireworks Displays Services for the Town of Highland, Associated with Independence Day 2010 Festivities.

Whereas, The Town of Highland, as part of its exercise of public powers related to culture and recreation, generally conferred in IC 36-10-2, annually marks the anniversary of the Nation's declaration of Independence, and the special period of New Year's eve, with appropriate festivals and fireworks and pyrotechnics displays;

Whereas, The Clerk-Treasurer, pursuant to §31.19(D)(10) of the HMC, serves as the Purchasing Agent for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality; and

Whereas, The *Mad Bomber Fireworks Productions* of Kingsbury, Indiana has presented to the Community Events Commission a proposed agreement for professional pyrotechnic and Fire works Display services for the Town of Highland to be conducted on Independence Day and New Year's Eve;

Whereas, The Community Events Commission favorably recommends to the purchasing agency, the approval of the proposed agreement for professional pyrotechnic and Fire works Display services for the Town of Highland to be conducted on Independence Day and New Year's Eve *Mad Bomber Fireworks Productions* of Kingsbury Indiana;

Whereas, These professional services owing to their unique requirements and character, as a service, may be purchased in a manner that is determined to be reasonable, pursuant to Section § 31.23 of the HMC and IC 5-22-6;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Municipality and its executive departments except those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction; and

Whereas, The purchase price exceeds \$10,000.00 and *involves a commitment for more than one year*, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency; and; and

Whereas, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve, authorize and allow the purchase of services pursuant to the terms stated herein.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1 That the proposal for pyrotechnic and fireworks display services of **Mad Bomber Fireworks Productions**, P.O Box 418, Kingsbury, Indiana, 46345, prepared and presented by its Event Coordinator, Randy McCasland, which includes a particular presentation of a Fireworks Display in **July 4, 2010**, according to the written terms set forth in a previously approved agreement, is hereby accepted, approved and adopted in every respect subject to the extension modifying the display on that year from \$21,000 as previously agreed to \$26,000 for this date only;

Section 2 That the fees for performance of the service identified in the proposal of \$26,000 for the fireworks display to be conducted on July 4th 2010 is found to be reasonable and fair for the services described;

Section 3. That this order is in addition to the Order of the Works Board 2010-10, differentiated by the cost of the fireworks display to be conducted on July 4th, and in no way affects the agreement adopted by it;

Section 4. That the Town Council finds and determines that the manner of purchase for these professional services owing to their unique requirements and character as a service, is both reasonable and appropriate, pursuant to Section § 31.23 of the HMC and IC 5-22-6;

Section 5. That the Clerk-Treasurer is hereby authorized to issue a purchase order, if applicable, to **Mad Bomber Fireworks Productions** and to execute all documents necessary to implement the purchase of services thereof;

Section 6. That the proper officers of the municipality are hereby authorized to identify the several funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 17th day of May 2010 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.*

Councilor Zemen commended the Annual Firefighters Banquet on May 15.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison • Plan Commission member.*

Councilor Vassar recognized the Building Commissioner who offered a brief overview and survey of matters pending before the Plan Commission and the Advisory Board of Zoning Appeals.

Councilor Vassar recognized the Redevelopment Director who reported on a petition pending from Circle Olds, an auto retailer that was desirous of relocating to the town of Highland, locating at 2440 45th Avenue. A tax abatement petition was pending.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

Councilor Novak was absent owing to vacation.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper commended the Fire Department on his observance of a recent post fire response review and assessment that the firefighters conducted as part of its regular practice to the manner of response and discuss any potential ways to improve.

- **Councilor Mark Herak:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak engaged in a colloquy with the Public Works Director regarding the disposition of the houses on the property located at 3309 and 3315 Ridge Road. It was noted that bids were solicited and received regarding demolition services of the two sites. It was further noted that there were numerous small "kick-knacks" left in the house at 3309 Ridge Road. It was further noted that there was no single one valued at greater than \$1,000 and that the combination did not equal or exceed the value of \$5,000.

The colloquy went further and included a discussion of the elevation of the manholes on Kennedy Avenue. It was noted that the elevations would be corrected and made to be flush with the final surface for the street.

The colloquy went still further and included a discussion regarding the maintenance of the levee along the Little Calumet River and whether or not the Little Calumet River Basin Development Commission would be authorized to be the single provider of maintenance services for the levee once the project is completed.

Comments from the Public or Visitors

1. Ted Oberc, 2704 Lincoln Street, Highland, inquired as to the number of septic tanks that were still in Town. Mr. Oberc further inquired whether or not it would be in the best interest of the Town to compel these few locations to connect to the Sanitary sewers in Town.

Payment of Accounts Payable Vouchers. Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period May 04, 2010 through to May 17, 2010. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$367,779.08 Motor Vehicle Highway and Street (MVH) Fund, \$14,467.70; Local Road and Street (LR&S) Fund, \$272.10; VIPS/Parks Public Safety Fund, \$1,000.00; Forfeit and Seized Assets Fund, \$33.89; Law Enforcement Continuing Education and Training Fund, \$6,418.22; Insurance Premium Fund, \$118,492.05; Information and Communications Technology Fund, \$11,938.33; Rainy Day Fund, \$100,335.60; Police Pension Fund, \$12,000.00; General Improvement Fund, \$48.00; Traffic and Law Violations Agency Fund, \$774.00; Safe Neighborhood Grant Fund, \$1,600.00; Gaming Revenue Sharing Fund, \$1,619.95; Corporation Capital Fund, \$25,224.22; Total: \$662,003.14.

Adjournment. Councilor Kuiper moved that the regular meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, May 17, 2010** was adjourned at 7:53 O'clock p.m. There was no study session following the meeting.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer